



May 30, 2025

VIA ELECTRONIC MAIL and ECF

The Honorable Joel H. Slomsky
United States District Court
Eastern District of Pennsylvania
Philadelphia Division
5614 James A. Byrne United States Courthouse
601 Market Street
Philadelphia, PA 19106
Chambers_of_Judge_Joel_H_Slomsky@paed.uscourts.gov

**Re: Ploeger v. Penn
2:22-cv-02389-JHS
Extended Discovery Dispute (ECF 42-53)**

Dear Judge Slomsky,

I write to address Defendant's repeated and intentional failure to comply with its Rule 30(b)(6) obligations. Defendant's deposition testimony (excerpted below) demonstrates an inexplicable refusal to properly investigate its institutional response to critical discovery documents. Plaintiff seeks leave, consistent with the Court's logic in ECF 50 permitting Dr. Shapiro's deposition, to depose Dr. Kozuma and compel production of newly-disclosed but improperly withheld documents.

At the original deposition regarding this Topic 32 ("PENN's actions regarding or in response to the documents found at Bates [numerous specifically identified documents which included, inter alia,] D615-619"), Defendant testified that it "did not know" why it failed to investigate what it did regarding or in response to, inter alia, D615-619. It then explained that Dr. Susan Shapiro did not work for it anymore, therefore the witness was unable to speak with her about the email. According to Defendant, "I didn't understand my responsibility to extend to communicate with someone who is no longer employed by the University."

At the time of the original motion to compel (ECF 42), Plaintiff sought and paid for an expedited excerpt of the transcript to highlight for the Court Defendant's failure to prepare for the deposition. As discussed in the original motion, the Dr. Shapiro issue was not the sole problem with Defendant's adherence to Rule 30(b)(6). (See ECF 42, ¶ 76, fn. 1). Now that the completed transcript is available, the egregiousness of Defendant's conduct is clearer. As demonstrated in the attached excerpts, Defendant repeatedly refused to contact available employees or former employees with clearly relevant information, offering shifting and inadequate rationalizations."